

THE JUDICIAL COUNCIL OF THE SEVENTH CIRCUIT  
219 South Dearborn Street  
Chicago, Illinois 60604

May 5, 2021

Chief Judge Diane S. Sykes

No. 07-21-90018

IN RE COMPLAINT AGAINST A JUDGE:

MEMORANDUM

Complainant filed a misconduct complaint against the judge who presided in his criminal case. His complaint focuses primarily on the actions of the prosecutors during the indictment process and their failure to turn over grand-jury transcripts that he requested. Alleged misconduct by counsel is beyond the purview of the Judicial Conduct and Disability Act, 28 U.S.C. §§ 351–364. *See* R. FOR JUD.-CONDUCT & JUD.-DISABILITY PROC. 1(b) (limiting coverage of the Act to federal judges as defined in the rules); *see also id.* R. 8(c) (instructing the circuit clerk not to accept a complaint about a noncovered person).

As for the judge's role in these events, the complaint alleges only attenuated and speculative conduct. First, complainant suggests that the judge and the prosecutors colluded in a "joint effort to conceal the use of a single grand jury to indict [complainant] in two completely different criminal cases." This allegation is wholly unsupported and frivolous. *See* § 352(b)(1)(A)(iii); JUD. CONDUCT R. 11(c)(1)(D). What remains is nothing more than a complaint about the correctness of the judge's decisions regarding the grand-jury transcripts, which is a merits-related challenge and not cognizable misconduct. *See* § 352(b)(1)(A)(ii); JUD. CONDUCT R. 4(b)(1).

The complaint is dismissed pursuant to 28 U.S.C. § 352(b)(1)(A)(ii) and (iii).